County of Loudoun

Department of Planning

MEMORANDUM

DATE:

January 2, 2008

TO:

Sophia Fisher, Project Manager

Land Use Review

FROM:

% Pat Giglio, Planner Community Planning

SUBJECT: SPEX 2007-0044, Story Property

BACKGROUND

The applicants, Shawn Story and Tara Wassing, are requesting a Special Exception to allow construction of a driveway through the Mountainside Development Overlay District (MDOD) on their 7.85 acre property located at 13329 Mountain Road. The subject property is located in the vicinity of the crossroads community of Britain at the foot of Short Hill Mountain in the western part of the County. The subject property is accessed by an existing gravel driveway in the northeast corner which provides inter-parcel access to an adjoining residence to the north. The applicant has cleared the middle portion of the property, which contains moderately steep slopes, for a building lot and drainfield. An existing two track and stream crossing will be used to provide access from the existing driveway to the upper portions of the property and the proposed house site. The applicant has modified the existing two track and stream crossing, which is located in the Mountainside Development Overlay District (MDOD), to create an improved driveway to the proposed house site. The applicant has installed a pipe culvert at the stream crossing, widened the two track and poured gravel of various sizes on the entire length of the improved driveway.

The property is zoned AR-1 (Agricultural Rural) and is governed under the provisions of the Revised 1993 Zoning Ordinance. A review of County GIS records indicates drainageways, forest cover, steep slopes, and mountainside areas are located on the subject site.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The subject property is governed under the policies of the <u>Revised General Plan</u>. The <u>Revised General Plan</u> places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (<u>Revised General Plan</u>, Policy 3, p.7-15).

ANALYSIS

EXISTING CONDITIONS

The Green Infrastructure is a collection of natural, cultural, heritage, environmental, protected, passive and active resources that will be integrated in a related system. It includes stream corridors, vegetative landscapes, wildlife and endangered species habitats, and heritage resources (*Revised General Plan, Policy 1, p.5-1 & 5-2*). Development should take place around these elements, incorporating them into the design of the site (*Revised General Plan, text, p. 6-2*). Such an approach places a priority on preserving both sensitive environmental and man-made features.

The elements of the countywide Green Infrastructure that can be found on the subject property include mountainside, moderately steep slopes, forest cover and stream corridor resources. Detailed plan guidance on the treatment of these individual Green Infrastructure elements is outlined in the following sections.

1. Mountainside Areas and Steep Slopes

The subject site is located within the Short Hill Mountain range. The County's mountains and mountainside areas contribute to its beauty, quality of life, and geologic uniqueness, and are valued by both residents and visitors (Revised General Plan, text, p. 5-31). Mountainsides are highly sensitive to land disturbance and development, and uncontrolled land disturbance in these areas could contribute to the loss of prime viewsheds, the destruction of unique flora and fauna, and increased runoff to downstream rivers and streams (Revised General Plan, text, p. 5-31). Plan policies call for using performance standards and regulations to minimize negative environmental impacts and land disturbance in mountainside areas, and encourage mountainside areas to be placed under permanent open space easement (Revised General Plan, Policy 3, p. 5-20 and Policy 4, p. 5-31). The majority of the subject site, including a portion of the improved driveway, is designated as highly sensitive mountainside. The subject site also contains an area of moderately steep slopes (15 to 25%) which bisects the central portion of the property containing the proposed drainfield and portions of the improved driveway. Plan policies state that "best management practices, locational clearances for clearing and grading" should be applied when disturbing moderately steep slopes to protect the soils, vegetation and other environmental features (Revised General Plan, Policy 3, p. 5-26). Such regulations have been incorporated into the Zoning Ordinance and Facility Standards Manual (FSM) for Loudoun County.

The applicant has sought to minimize the land disturbing activities on the site by utilizing and improving the existing two track and stream crossing, to create an improved driveway to the proposed house site. The applicant has installed a pipe culvert at the stream crossing, widened the two track and poured gravel of various sizes on the entire improved driveway without review or inspection by the Department of Building and Development. The improved driveway and stream crossing bisect areas of highly sensitive mountainside and moderately steep slope.

Plan Policies discourage the creation of ground disturbing activities within mountainside areas and on moderately steep slopes, and call for the use of performance standards and regulations to minimize any potential negative environmental impacts. Staff recommends that a geotechnical study be provided to the County for the proposed driveway, which bisects areas of highly sensitive mountainside and moderately steep slopes, that addresses the stability of the soils, in particular their geomorphic and landscape position. Staff defers to the Department of Building and Development for further technical review of the application.

2. Forests, Trees, and Vegetation

The County's forests and trees improve air and water quality, offer important habitat for birds, small mammals and other wildlife, and are excellent buffers between communities. Forests and trees conserve energy by providing shade and evaporative cooling through transpiration. They also redirect airflow and reduce wind speed, stormwater runoff, and soil erosion (*Revised General Plan, text, p. 5-32*).

The Revised General Plan states that the submittal and approval of a forest management or tree conservation plan will be required prior to any land development. However, even though the proposed construction of a new house and drainfield on the subject property has required the removal of trees, the amount of disturbance will be less than 10,000 square feet of area and will not require a forest management plan or tree conservation plan. The submitted Special Exception plat indicates that the limits of clearing grading extend to the existing improved driveway and will require the removal of existing trees to the north of the proposed drainfield and adjoining driveway. Staff recommends that existing trees along the driveway be preserved in order to maintain the stability of the soil and decrease surface water run-off from the site.

Staff recommends that as much of the existing vegetation and trees as possible be retained, specifically the trees to the north of proposed drainfield and adjoining the driveway. Staff recommends a commitment to the long-term maintenance and care of the existing vegetation and trees on the subject property.



View west of existing improved driveway and cleared area for proposed drainfield within areas of Sensitive Mountainside and Moderately Steep Slopes.

4. Stream Corridor Resources

The Plan places a priority on the protection of rivers, streams and wetlands; the retention of natural riparian forests and vegetation; and the preservation, buffering, and implementation of performance standards and best management practices as part of a larger water protection strategy. The Plan identifies mountainside areas as the headwaters to many of the County's streams and important groundwater recharge areas (*Revised General Plan, text, p. 5-31*). The Plan calls for the protection of surface water and groundwater resources from contamination and pollution to prevent the degradation of water quality in the watersheds (*Revised General Plan, text, p. 5-12*). The subject site contains a small stream, which is an unnamed tributary of Milltown Creek, which flows along the northern boundary of the subject site and is bisected by the existing improved driveway. The submitted Special Exception plat does not depict the full length of the stream but depicts the proposed stream crossing. The proposed stream crossing is comprised of two existing 15' metal pipes, which appear to be undersized and impeding the flow of the stream.

Staff recommends that the existing stream crossing be redesigned to better maintain the flow and natural hydrologic function of the stream. Staff defers to the Department of Building and Development for further technical review of the proposed stream crossing.

RECOMMENDATION

Staff supports approval of the Special Exception request to allow construction of a driveway within the Mountainside Development Overlay District (MDOD) utilizing the existing two track and stream crossing following a technical review of the application by the Department of Building and Development. Community Planning staff recommends that the applicant commit to the preservation of the existing trees located to the north of the proposed drainfield and adjoining the driveway to maintain the stability of the soil and decrease surface water run-off from the site. Additionally, Community Planning staff recommends that the existing stream crossing be redesigned to better maintain the flow and natural hydrologic function of the stream.

Staff would be happy to meet with the applicant to further discuss any comments or questions.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning



COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE:

January 2, 2008

TO:

Sophia Fisher, Project Manager

BRF

FROM:

Brian Fish, Planner, Zoning

CASE NUMBER AND NAME:

SPEX-2007-0044, Story Property

TAX MAP/PARCEL NUMBER:

/16///////6/

PIN/MCPI:

443-35-3578

Section 4-1606 (A) requires that an application for approval of a Location Clearance Permit be made to the Department of Environmental Resources prior to or concurrent with the initial submission for approval of a zoning permit. Provided that such an application has been submitted, there are no Zoning comments associated with Special Exception 2007-0044.

COUNTY OF LOUDOUN DEPT. OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE:

January 15, 2008

TO:

Sophia Fisher, Project Manager

FROM:

Ryan Reed, Soil Program Specialist

SUBJECT:

Story Property; SPEX 2007-0044

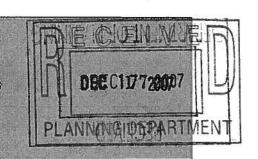
The Natural Resources Team is in receipt of the information submitted as part of the Special Exception process for the above stated project. The review is based on the standards set forth in Sections 4-1600 and 5-1508 of the Loudoun County Zoning Ordinance (ZO). Per review of the submitted information and prior field study, the Natural Resources Team has the following comments:

1) The Natural Resources Team concurs with the comments generated by Pat Giglio, Community Planner, dated January 2, 2008; except that a geotechnical report is not required for the driveway crossing.

County of Loudoun

Office of Transportation Services

MEMORANDUM



DATE:

December 14, 2007

TO:

Sophia Fisher, Project Manager

Department of Planning

FROM:

Lou Mosurak, AICP, Senior Transportation Planner LM

THROUGH: Art Smith, Senior Coordinator

SUBJECT: SPEX 2007-0044—Story Property

First Referral

Background

This special exception application proposes to allow a private driveway to cross through the Mountainside Development Overlay District (MDOD) to provide access to one (1) single family detached residence. The subject property is approximately 7.85 acres in size and is located on the west side of Mountain Road (Route 690), approximately 4 miles north of Charlestown Pike (Route 9). Access to the site is provided via an existing unpaved private driveway off of Mountain Road (the proposed driveway would branch off of the existing driveway and would not result in a new entrance point on Mountain Road). A vicinity map is provided as Attachment 1. In its consideration of this application, the Office of Transportation Services (OTS) reviewed materials received from the Department of Planning on December 7, 2007, including (1) a traffic statement prepared by the Applicant (date stamped October 24, 2007), and (2) a special exception plat (E & S Control Plan) prepared by Mark W. Jeffries. P.E., dated September, 2007 and revised through October 19, 2007.

Existing, Planned and Programmed Roads

Mountain Road (Route 690) is classified by the 2001 Revised Countywide Transportation Plan (2001 Revised CTP) as a minor collector and consists of a two-lane undivided (R2) section in a variable right-of-way (ROW). Mountain Road is a designated Virginia Scenic Byway. According to 2006 VDOT traffic estimates, this segment of Route 690 (between Morrisonville Road (Route 693) and Britain Road (Route 682)) carries an average of 630 vehicle trips per day (ADT), including 71 vehicles in the peak hour. The 2001 Revised CTP does not call for any additional widening of this segment of Route 690.

Transportation Comments

1. The driveway crossing proposed in the MDOD overlay zoning district is part of a private road and will not be publicly maintained. The proposal would not result in any increase in

SPEX 2007-0044 – Story Property OTS First Referral Comments December 14, 2007 Page 2

by-right development potential and does not propose to add an additional entrance to Mountain Road (Route 690). The proposal would therefore have no significant impact on the public road network.

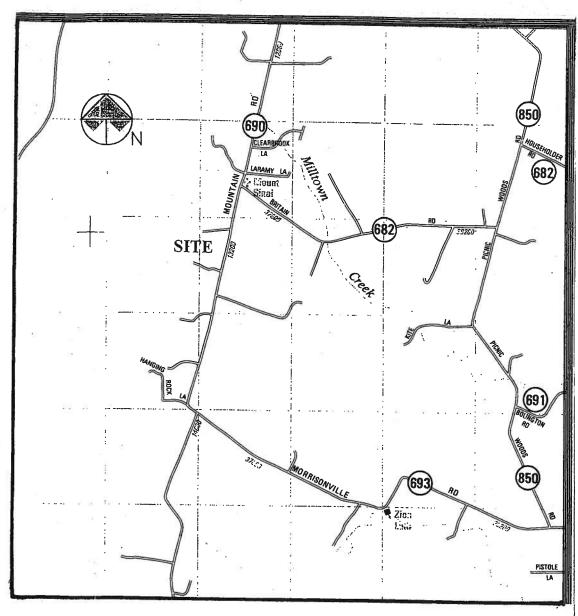
Conclusion

OTS has no objection to the approval of this application.

ATTACHMENTS

1. Site Vicinity Map

cc: Andrew Beacher, Assistant Director, OTS



Vicinity Map 1" = 2,000'



Loudoun County Health Department P.O. Box 7000

Leesburg VA 20177-7000



Environmental Health Community Health Phone: 703 / 777-0234 Phone: 703 / 777-0236 703 / 771-5023 Fax: 703 / 771-5393

MEMORANDUM TO:	Sophia Fisher, Project N Department of Planning	_			
FROM:	J. Randall Stoutenburgh Environmental Health S Loudoun County Health	pecialist /		th, MS#68	Se
SUBJECT:	SPEX-2007-0044 subm LCTM: 16/ 6 PIN: 443-35-3578-000		perty		
DATE:	December 10, 2007				
The above referenced	project meets the require	ements of Section YES	1245.11 of the	E LSDO for: N/A	
a. Proposed drainfield sitesb. Proposed wells		<u>_x</u> _		<u>x</u>	
Residence, submitted 2007), are correct as					
a. Wells (exist b. Drainfield si	ing or proposed) ites	<u>x</u> <u>x</u>			
Health Dept. staff reco	ommends: Approval <u>x</u>	DenialApp	roval with condi	tions	
	osed driveway does not a Il head upon construction				
If more information or	clarification on the above	project is required	l, please contact	me at 703-77	7-0643.
			7(*))		
cc: file JRS/JDF/jrs Referral					

ATTACHMENT 1C





LOUDOUN COUNTY DISCLOSURE OF REAL PARTIES IN INTEREST

A. DIRECTIONS

- 1. Mandatory disclosures shall include PARTNERSHIPS, CORPORATIONS, or TRUSTS, to include the names of beneficiaries, broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 100 shareholders, that has no shareholder owning 1% or more of any class of stock. In the case of an applicant, title owner, contract purchaser, or lessee of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all its partners (general and limited), of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 1% or more of the applicant, title owner, contract purchaser, or lessee of the land.
- 2. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.
- 3. All applicants for zoning map amendment petitions, special exceptions, commission permits, certificates of appropriateness and variances are requested, but not required, to complete Section C of this form entitled *Voluntary Disclosures*. No application will be rejected for applicant's failure to complete Section C.
- 4. Prior to each and every public hearing on a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception, Commission Permit, Certificate of Appropriateness or Variance, and prior to Board action, the applicant shall review the affidavit and provide any changed or supplemental information including business or financial relationships of the type described above, that arise on or after the date of this application. A "Reaffirmation of Affidavit" form is available for your use online at: http://inetdocs.loudoun.gov/planning/docs/documentsandfor/index.htm
- 5. These adopted Disclosure of Real Parties in Interest Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted
- 6. As used in this section "real parties in interest" shall include all sole or joint property owners, parties who have legal interest in the protection of the property such as a trustee or executor, parties who have an equitable or beneficial interest in the property, such as beneficiaries of a trust, and, in the case of corporations, all stockholders, officers, and directors. Pursuant to Section 15.2-2289, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium.

ATTACHMENT 2

DATE AF	FIDAVIT IS NOTAR(:		Page B 1
APPLICA	TION NUMBER:		
I, SH	AWN STORY .	, do hereby state that I ar	n an
~	applicant	, do hereby state that I ar	
<u> </u>	applicant's authorized agent listed	l in Section B.1. below	N .
in applic	ation Number(s):		
and that	to the best of my knowledge and l	pelief, the following information is true	e:
B. N	MANDATORY DISCLOSURES	*	ti.
1. NAM	ES AND ADDRESSES OF REAL	L PARTIES IN INTEREST	
applicati and all A behalf o listed to	RS, CONTRACT PURCHASIOn* and if any of the forgoing is ATTORNEYS, and REAL ESTAF any of the foregoing with resp	e names and addresses of all APPLIERS and LESSEES of the land is a TRUSTEE** each BENEFICIA ATE BROKERS, and all AGENTS vect to the application. Multiple relation Parcel Identification Number (PIN)	described in the RY of such trust, who have acted on ationships may be
PIN	NAME	ADDRESS	RELATIONSHIP
	(First, M.I., Last)	(Street, City, State, Zip Code)	(listed in bold , above)
	SHAWN M. STORY TARA L. WASSING	21125 Fireside Cf. STERLING VA 20164 21125 Fireside Cf. STERLING VA 20164	owner
	the set of the Men		
	Mark W. Jeffrics, R.E.	15 Lordon St. SW Suik A Leesburg, VA 20175	engineer
		000,000,000	
		e.	
	<u> </u>		
		42	
the un	its in the condominium.	owner, contract purchaser, or lessee of of Trustee, name of Trust, if applicable	
	applicable: Real Parties of Interest information	on is continued on an additional copy o	of page B-1
If multiple	copies of this page are provided please	indicate Page of pages.	

Revised May 10, 2007

DATE AFFIDAVIT IS NOTARI >:		_ (Page B 2
APPLICATION NUMBER:			#
2. NAMES OF CORPORATION SHAREHOLD	DERS		
The following constitutes a listing of the SHARI affidavit who own 1% or more of any class of s corporation has 100 or fewer shareholders, a corporation is an owner of the subject land, corporation (Include sole proprietorships, limite trusts).	tock issued be listing of ale all OFFIC	by said corporation I of the shareho ERS and DIRI	on, and where such olders, and if such ECTORS of such
Name and Address of Corporation (complete nan	ne, street add	ress, city, state, z	ip)
Description of Corporation: There are 100 or fewer shareholders and al.	l shareholder	s are listed belov	v
There are more than 100 shareholders, a class of stock issued by said corporation are liste		holders owning	1% or more of any
There are more than 100 shareholders but n stock issued by said corporation, and no shareho			ore of any class of
There are more than 500 shareholders and exchange.	stock is trade	d on a national o	er local stock
Names of shareholders (first name, middle initial	and last nam	ne)	
SHAREHOLDER NAME (First, M.I., Last)	SHAREHO	OLDER NAME	(First, M.I., Last)
			7
		E. 12	
			R
228			
Names of Officers and Directors (first name, mid	ldle initial an	d last name & tit	le, e.g. President,
Secretary, Treasurer, etc.) NAME (First, M.I., Last)		Title (e.g. Preside	ent, Treasurer)
8		198	
Check if applicable:			
Additional should also to Compare the contract	1	11'.' 1 C	D. C
Additional shareholder information is continuity of the shareholder information is continuity. If multiple copies of this page are provided please indicate			page B-2
Revised May 10, 2007		pages.	A-1

DATE AFFIDAVIT IS NOTAR):	Page B 3
APPLICATION NUMBER:	
3. PARTNERSHIP INFORMATION	T6
The following constitutes a listing of all of the any partnership disclosed in the affidavit.	PARTNERS, both GENERAL and LIMITED, in
Partnership name and address (complete name,	street address, city, state, zip)
	ā
(check if applicable) The above-listed par	tnership has no limited partners.
Names and titles of the Partners (enter first name Partner, Limited Partner, or General and Limited	me, middle initial, last name, and title, e.g. General ed Partner)
NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)
3	
Check if applicable:	N .
Additional Partnership information is inclu	uded on an additional copy of page B-3.
4. One of the following options must be check	ed
of any and all other individuals who own in	graphs B. 1, 2, and 3 above, the following is a listing the aggregate (directly as a shareholder, partner, e APPLICANT, TITLE OWNER, CONTRACT
	nd 3 above, no individual owns in the aggregate eficiary of a trust) 1% or more of the APPLICANT, ER, or LESSEE of the land:
Check if applicable:	
Additional information for Item B. 3. is in	cluded on an additional copy of page B-3.
If multiple copies of this page are provided please indic	sate Page of pages. A - C

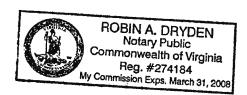
Revised May 10, 2007

DATE AFFIDAVIT IS NOTAR ::		. (Page C 1
APPLICATION NUMBER:			
C. VOLUNTARY DISCLOSURE	·		
1. That no member of the Loudoun County Emember of his or her immediate household land either individually, by ownership of san interest in a partnership owning such land	d owns or has any stock in a corporati	financial inter	rest in the subject
EXCEPT AS FOLLOWS: (If none, so star	te).		
None		385	(A
2. That within the twelve-month period prior member of the Loudoun County Board of Commission or any member of his immed way of partnership in which any of them i a partner of any of them, or through a corpemployee, agent or attorney or holds 1% of a particular class, has or has had any bu ordinary depositor or customer relationship bank, including any gift or donation having aggregate with any of those listed in Section EXCEPT AS FOLLOWS: (If none, so stated to the control of the	Supervisors, Boardiate household and a partner, employ poration in which a proportion of the outsusiness or financial p with or by a retain a value of \$100 con B, above.	d of Zoning A I family, eithe yee, agent or a my of them is tanding bonds relationship, il establishme	appeals, or Planning or individually, or by attorney, or through an officer, director, s or shares of stock other than any ent, public utility, or
None	2		
3. The following constitutes a listing of name real estate which is the subject of this applicate persons who hold a beneficial interest in the sapplication date, contributed, by gift or donate member of the Board of Supervisors: NAME (First, M.I., Last)	tion, including the subject property, with ion, more than one	names and ad ho have, with hundred doll	ldresses of all in five years of the
Additional County-Official information f	for Item C is include	led on an add	itional page C-1.
If multiple copies of this page are provided please indi	icate Page of	pages.	

Revised May 10, 2007

×		
DATE AFFIDAVIT IS NOTAR :		Page D 1
APPLICATION NUMBER:		
D.		
That the information contained in this affidavit is and trusts owning 1% or more of the APPLICAL PURCHASER, OR LESSEE of the land have be public hearing on this matter, I will reexamine to supplemental information, including business or Section C. above, that arise on or after the date	NT, TITLE OWNER, CONTRA een listed and broken down, and his affidavit and provide any ch financial relationships of the t	ACT d that prior to each nanged or
WITNESS the following signature:	1 Applicant Application d Application	TA .
Shawn Story	Applicant's Authorized Age	nt
(Type or print first name, middle initial and last	name and title of signee)	
Subscribed and sworn before me this Att da the State/Commonwealth of Virginia, i	ny of October n the County/City of Loudann	20 <u>01</u> , in
	i am cray	Notary Public

My Commission Expires: March 31 2008



Statement of Justification

In this statement of justification items A, E, G, H, M, and T will be addressed. The proposed use is compatible with other existing or proposed uses in the neighborhood and adjacent parcels. The proposed use is to improve upon and stabilize an existing deteriorated driveway and crossing of an intermittent/dry creek bed. Which in turn will help to preserve the natural surroundings of the creek bed as well as the creek bed itself. The improvements will allow access to a proposed single family home to be built on the property outside of the MDOD. The proposed use will be low impact in nature as there will be no excavation of the existing driveway or creek bed. There will be no damage to any existing animal habitat, vegetation, water quality or air quality. The effect of the proposed use should improve water quality by limiting most of the natural sediment runoff from the driveway and provide a more stabilized crossing over the creek bed. With the improved crossing this will eliminate the damage done to the creek bed by vehicle traffic. Vehicles will be traveling over rather than through the creek bed. The proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing roads and neighborhoods by installing a proper crossing over the creek bed and layering the existing driveway with #3 stone to reduce the transfer of onsite dirt to the surrounding roads by the construction traffic during the period of construction of a single family home.

Date: 1/23/2008

To: Sophia Fisher, Project Manager

From: Shawn Story

Case Number: SPEX-2007-0044, Story Property

Tax Map/Parcel Number: /16//////6/

Pin/MCPI: 443-35-3578

Sophia, Per your request here is the written response to the comments received from the Special Exception memorandums. In response to the comments from Pat Giglio in The Department of Planning on page 3 there will be no removal of the trees to the north of the proposed drainfield and adjoining driveway. I plan on removing the minimum amount of trees as possible for the drainfield and house site. I am committed to preserving and maintaining as much of the area around the property as possible to maintain the natural forest cover. In regards to the recommendation that the stream crossing be redesigned to better maintain the flow, I am currently working with an Engineer (Mark Jefferies) and the County Soil Scientists to address these concerns. If there are any further comments or concerns please feel free to contact me at 703-928-9424 or email at glfadct@yahoo.com. Thank you all for your time and help with this matter.

Shawn Story

ATTACHMENT 4

